

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CR. No. 21-720 KG
)	
RYAN TYREL COBBS,)	
)	
Defendant.)	

UNITED STATES' RESPONSE TO DEFENDANT'S
MOTION TO MODIFY TERM OF IMPRISONMENT
PURSUANT TO 18 U.S.C. § 3582(C)(2)

The United States hereby responds to the defendant's motion to modify term of imprisonment pursuant to 18 U.S.C. § 3582(c)(2), and respectfully requests the Court to deny the motion because it does not appear that the United States Sentencing Commission has proposed any amendments to the U.S.S.G. § 4A1.2, or any other sentencing Guideline, that would impact the defendant's sentence.

I. Facts

On August 2, 2020, officers with the Hobbs Police Department (HPD) executed a search warrant at the defendant's house and found seven firearms, including a sawed off shot gun, and a large cache of ammunition, all in close proximity to methamphetamine, scales, empty baggies, and a pill bottle full of small rubber bands – all indicia of drug trafficking. Two of the firearms were reported stolen. The defendant was a convicted felon, so consequently he was charged by the United States with Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924, and Possession of an Unregistered Firearm, in violation of 26 U.S.C. §§ 5861(d) and 5871.

II. Procedural History

On October 18, 2021, the defendant pled guilty to a two-count indictment. PSR at ¶ 2. Count 1 charged Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924; and Count 2 charged, Possession of an Unregistered Firearm, in violation of 26 U.S.C. §§ 5861(d) and 5871. PSR at ¶ 2.

On January 11, 2022, the PSR was disclosed, and calculated the defendant's Guideline imprisonment range to be 87-108 months, based on a total offense level of 27 and a criminal history category of III. Doc. 25 at ¶ 76.

On September 1, 2022, the Court sentenced the defendant to 57 months as to each count, said terms to run concurrently. Docs. 37, 38.

On June 26, 2023, the defendant filed this instant motion, *pro se*. Doc. 39.

III. Argument

The defendant argues that on May 1, 2023, the U.S. Sentencing Commission amended U.S.S.G. § 4A1.2, and that his sentence should be reduced. Doc. 39 at 1. The defendant is mistaken. Although the Sentencing Commission has proposed amendments to the Guidelines, those amendments will not become effective until November 1, 2023. And, in any event, after reviewing the proposed amendments, undersigned counsel did not see any proposed amendments to U.S.S.G. § 4A1.2, or any other Guideline that would result in a reduction of the defendant's sentence, if the proposed amendment were adopted.

WHEREFORE, for the foregoing reasons, the United States respectfully requests the Court to deny the defendant's motion for a reduced sentence.

Respectfully submitted,

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United States Attorney

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I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and have mailed a true copy of this document by United States Postal Service to Ryan Tyrel Cobbs (#47811509) at Federal Medical Center, P.O. Box 15330, Fort Worth, TX 76119 on this date.

Electronically Filed July 11, 2023

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